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## INTERNET PARSHA SHEET ON EMOR - 5779

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date: May 16, 2019, 9:46 PM  
subject: Rabbi Ahron Lopiansky - Between a Kohen and a Kohen Gadol  
**Rabbi Ahron Lopiansky**  
**Between a Kohen and a Kohen Gadol**

Prashas Emor starts with the special laws that apply to kohanim. Because kohanim are expected to be on a higher spiritual level than everyone else, the Torah requires more of them. One such requirement is that they stay away from corpses. The Rishonim try to give us some sense, in a way that we can relate to, of what "defilement" occurs by being in proximity to a dead body. Be that as it may, an exception is made for the kohen when the deceased is one of the seven close relatives recognized by halacha. The Sefer Hachinuch (mitzvah 263) explains that the ways of Torah are pleasant (i.e. compatible with human nature) and the Torah did not want to distress the kohanim, for it is a great relief to pour out one's emotion and "gain solace through tears."

And yet, the Torah prohibits a Kohen Gadol from becoming tameh even for one of his seven close relatives. The Sefer Hachinuch (mitzvah 270) explains this difference by saying, "because the [Kohen Gadol]'s soul is bound up with Hashem, totally separated from human nature, and has all but forgotten this physical world, he therefore does not truly mourn his close ones, for even while they are alive, he is already distant from them."

This same distinction between "man" and "superman" is actually the crux of the parsha of Aharon and Miriam's lashon hara about Moshe (Bamidbar 12:1-2). They questioned the appropriateness of his having separated from his wife because of his being a prophet. They pointed out that they, too, were prophets and yet were expected to continue to live normal family lives. Hashem responded to them that Moshe was different. The Rambam (Hilchos Yesodei haTorah 7:7) articulates this difference as Moshe, "having bound

himself to the Tzur haolamim [i.e. hashem], never leaving that dveikus." This concept expresses itself in many aspects of Torah, from the Ramban's stating (Vayikra 26:11) that, "doctors have no place in the house of G-d" to Rav Chanina ben Dosa's reliance on miracles (Berachos 33, 34, and many more.) It is not that there are two Torahs, chas v'shalom; rather there is the Torah for people whose reality is a physical world with the awareness that Hashem is behind it all, and a different set of norms for those who perceive that Hashem is the reality.

The Chazon Ish hints at this at the end of chapter two of Emunah V'Bitachon. Throughout the chapter the Chazon Ish stresses that genuine bitachon requires engaging with the world and believing that Hashem is doing what is best regardless of whether things turn out the way we would like them to. And yet, he hints at the end of that chapter, that a person who is on an extraordinary level of bitachon can actually sense the concurrent hasgacha and be aware that everything will be well.

I think that this principle is an important one to explain to our children when telling stories of great people that describe deeds that are commensurate only with a very high madreiga. For instance, there is a well-known story of the Vilna Gaon only greeting his sister for a very short time after not seeing her for many years and then immediately returning to his learning. When sharing that story, one must emphasize that for us this would be ignoble behavior, and only on the extraordinarily high madreiga of the Vilna Gaon who, like the Kohen gadol, lived on an entirely different plane and was barely connected to this world, is such behavior appropriate. It is not that there are different rules for different people, per se. Rather, there are different rules for different circumstances. Loss of kin is a genuine tragedy for humans living in the world that the vast majority of us live in. But for those humans leaving in a higher world than ours, death is merely the transition to the next phase of life.

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**Weekly Parsha EMOR**

### **Rabbi Wein's Weekly Blog**

The opening subject matter in this week's Torah reading deals with the existence of impurities in Jewish and human society. In our world today, especially in the realm of the intelligentsia, there is a great deal of chatter and worry about the pollution of our atmosphere. When the threat of global warming proved to be unfounded, the environmentalists amongst us changed the focus of their dire warnings, about the extinction of our planet, to now be under the new slogan of climate change. There is very little if any scientific evidence to support their claims that the world as we know it will disappear in the very near future because of fossil fuels, carbon emissions and the natural behavior of cows. Nevertheless, it is clear that all of us have to be against pollution of the atmosphere.

The pollution referred to in our Torah reading is of a different nature completely. It concerns itself with the impurity that comes from death and not from life, from sin and the non-performance of good deeds and noble aspirations. It prohibits the priestly descendants of Aaron from willfully rendering themselves to be impure. This is a matter of ritual law, but it is also a matter of a value system and a personal and societal outlook.

All of us, not only the priestly class of Israel, are to avoid whenever possible both physical and spiritual impurity. This type of impurity pollutes the atmosphere that we live in subtly. Its influence upon us is inescapable and tragically, many times, permanent. God demanded of us that we be a holy nation, but spiritual, mental and physical pollution will always prevent us

from reaching that desired goal. While it is difficult to maintain cleanliness of body and clothing in a physically polluted world, it is even more difficult to maintain cleanliness and purity of thought, dress and outlook in a very polluted emotional, mental and spiritual world.

By removing all previous inhibitions, mores and social manners of Western society, built up over generations, regarding speech, dress, public and private behavior, a terrible cloud has enveloped society. Since the Jewish people exist in the main within the confines of Western society, with its attitudes and behavior patterns, there is no question that we also have been dirtied simply by existing.

The advanced technological achievements of our time have unfortunately been put to the service of those individuals and ideas that intend to make us impure for their own personal, political or economic gain. They have done so with fancy sounding slogans that espouse all types of freedom, but really impose upon those who disagree with them the tyranny of enforced conformity.

In many parts of the world today, especially in the Far East, people wear masks over their noses and mouths to prevent the air pollution that surrounds them from being inhaled. There is no question that we all need such spiritual masks as well to allow us to counter the destructive pollution and impurity of much of the norms of the society that we live in.

Shabbat shalom  
Rabbi Berel Wein

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www.ou.org/torah/parsha/rabbi-sacks-on-parsha  
Britain's Former Chief Rabbi Lord Jonathan Sacks  
**Three Versions of Shabbat (Emor 5779)**  
**Rabbi Jonathan Sacks**

There is something unique about the way Parshat Emor speaks about Shabbat. It calls it a mo'ed and a mikra kodesh when, in the conventional sense of these words, it is neither. Mo'ed means an appointed time with a fixed date on the calendar. Mikra kodesh means either a sacred assembly, a time at which the nation gathered at the central Sanctuary, or a day made holy by proclamation, that is, through the human court's determination of the calendar. Shabbat is none of these things. It has no fixed date on the calendar. It is not a time of national assembly. And it is not a day made holy by the proclamation of the human court. Shabbat was the day made holy by God Himself at the beginning of time.

The explanation lies in the context in which the passage containing these terms appears, the chapters of the Torah whose primary theme is holiness (Lev. 18–27). The radical claim made in these chapters is that holiness, a term normally reserved for God, can be acquired by human beings when they act like God. The festivals stand to Shabbat the way the Sanctuary stands to the universe. Both are humanly created domains of holiness constructed on the model of divine creation and sanctification as they appear at the beginning of Genesis. By inviting human beings to create a sanctuary and determine the monthly and yearly calendar, God invests us with the dignity of a holiness we have not just received passively as a gift, but acquired actively as co-creators with God.

Mikra kodesh and mo'ed as they appear in Leviticus have an extra sense that they do not bear elsewhere because they evoke the opening verse of the book: "He called [Vayikra] to Moses, and the Lord spoke to him in the Tent of Meeting [Ohel Mo'ed], saying..." (Lev. 1:1). The focus is on mikra as "call" and mo'ed as "meeting." When the Torah uses these words uniquely in this chapter to apply to Shabbat as well as the festivals, it is focusing on the encounter between God and humanity in the arena of time. Whether it is God's call to us or ours to Him, whether God initiates the meeting or we do, holy time becomes a lovers' rendezvous, a still point in the turning world

when lover and beloved, Creator and creation, "make time" for one another and know one another in the special form of knowledge we call love. If this is so, what does Parshat Emor tell us about Shabbat that we do not learn elsewhere? The answer becomes clear when we look at two other passages, the two versions of the Decalogue, the Ten Commandments, as they appear in Exodus and Deuteronomy. Famously, the wording of the two versions is different. The Exodus account begins with the word Zachor, remember. The Deuteronomy account begins with Shamor, "keep, guard, protect." But they differ more profoundly in their very understanding of the nature and significance of the day. Here is the Exodus text:

Remember the Sabbath day by keeping it holy. Six days you shall labour and do all your work, but the seventh day is a sabbath to the Lord your God. On it you shall not do any work.... For in six days the Lord made the heavens and the earth... but He rested on the seventh day. Therefore the Lord blessed the Sabbath day and made it holy. (Ex. 20:7–9)

According to this, Shabbat is a reminder of creation. The Deuteronomy text gives a very different account:

Six days you shall labour and do all your work, but the seventh day is a sabbath to the Lord your God. On it you shall not do any work, neither you, nor your son or daughter, nor your male or female servant... Remember that you were slaves in Egypt and that the Lord your God brought you out of there... Therefore the Lord your God has commanded you to observe the Sabbath day. (Deut. 5:11–14)

Here there is no reference to creation. Instead the Torah speaks about a historical event: the Exodus. We keep Shabbat not because God rested on the seventh day but because He took our ancestors out of Egypt, from slavery to freedom. Therefore, Shabbat is a day of freedom even for servants, and even for domestic animals. One day in seven, no one is a slave.

Of course, both are true, and we integrate both accounts into the text of the Kiddush we make on Friday night. We call Shabbat a remembrance of creation (zikaron lemaaseh bereishit) as well as a reminder of the Exodus (zekher liyetziat Mitzrayim). However, once we set the Leviticus account in the context of these other two, a richer pattern emerges.

If we play close attention, we can hear three primary voices in the Torah: those of Kingship, Priesthood, and Prophecy. These are the three fundamental leadership roles and they have distinctive modes of knowledge.

Priests, Prophets, and the governing elite (the wise, the Elders, Kings and their courts) each have their own ways of thinking and speaking. Kings and courts use the language of chochmah, "wisdom." Priests teach Torah, the word of God for all time. Prophets have visions. They have "the word" of God not for all time but for this time. Prophecy is about history as the interaction between God and humanity.

Is it merely accidental that there happen to be three voices, when there could have been four, or two, or one? The answer is no. There are three voices because, axiomatic to Jewish faith is the belief that God is encountered in three ways: in creation, revelation, and redemption.[1]

Wisdom is the ability to see God in creation, in the intricate complexity of the natural universe and the human mind. In contemporary terms, chochmah is a combination of the sciences and humanities: all that allows us to see the universe as the work of God and human beings as the image of God. It is summed up in a verse from Psalms (104:24), "How many are Your works, O Lord; You have made them all in wisdom."

Revelation, Torah, the speciality of the Priest, is the ability to hear God in the form of the commanding voice, most characteristically in the form of law: "And God said," "And God spoke," "And God commanded."

Revelation is a matter not of seeing but of listening, in the deep sense of hearing and heeding, attending and responding. Wisdom tells us how things are. Revelation tells us how we should live. Prophetic consciousness is always focused on redemption, the long and winding road towards a society based on justice and compassion, love and forgiveness, peace and human dignity. The prophet knows where we came from and where we are going to, what stage we have reached in the journey and what dangers lie ahead. The

prophetic word is always related to history, to the present in relation to the past and the future: not history as a mere succession of events, but as an approach to or digression from the good society, the Promised Land, and the Messianic Age.

Creation, revelation, and redemption represent the three basic relationships within which Judaism and human life are set. Creation is God's relationship to the world. Revelation is God's relationship with us. When we apply revelation to creation, the result is redemption: the world in which God's will and ours coincide.

We now understand why the Torah contains three distinct accounts of Shabbat. The account in the first version of the Ten Commandments, "For in six days the Lord made the heavens and the earth," is the Shabbat of creation. The account in the second version, "Remember that you were slaves in Egypt and that the Lord, your God, brought you out," is the Shabbat of redemption. The Parshat Emor account, spoken in the Priestly voice, is the Shabbat of revelation. In revelation, God calls to humankind. That is why the middle book of the Torah (that more than any other represents Torat Kohanim, "the law of the Priests,") begins with the word Vayikra, "and He called." It is also why Shabbat is, uniquely here, included in the days "which you shall proclaim (tikre'u) as sacred convocations (mikra'ei kodesh)," with the double emphasis on the verb k-r-a, "to call, proclaim, convoke." Shabbat is the day in which, in the stasis of rest and the silence of the soul, we hear the Call of God.

Hence too, the word mo'ed, which in general means "appointed times," but here means "meeting." Judah Halevi, the eleventh-century poet and philosopher, said that on Shabbat, it is as if God had personally invited us to be dinner guests at His table.[2] The Shabbat of revelation does not look back to the birth of the universe or forwards to the future redemption. It celebrates the present moment as our private time with God. It represents "the power of now."

Not only is this threefold structure set out in the Torah, it is embodied in the prayers of Shabbat itself. Shabbat is the only day of the year in which the evening, morning, and afternoon prayers are different from one another. In the Friday night Amidah, we refer to the Shabbat of creation: "You sanctified the seventh day for Your name's sake as the culmination of the creation of heaven and earth." On Shabbat morning we speak about the supreme moment of revelation: "Moses rejoiced at the gift of his portion... He brought down in his hands two tablets of stone on which was engraved the observance of the Sabbath." On Shabbat afternoon we look forwards to the ultimate redemption, when all humanity will acknowledge that "You are One, Your name is One, and who is like Your people Israel, a nation one on earth." [3]

Creation, revelation, and redemption form the basic triad of the Jewish faith. They are also the most fundamental structuring principle of Jewish prayer. Nowhere is this clearer than in the way the Torah understands Shabbat: one day with three dimensions, experienced successively in the experiences of evening, morning, and afternoon. What is fragmented in secular culture into science, religion, and political ideology is here united in the transforming experience of God who created the universe, whose presence fills our homes with light, and who will one day lead us to a world of freedom, justice, and peace

Shabbat shalom  
Shabbat Shalom!

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from: Esplanade Capital <jeisenstadt@esplanadecap.com>  
subject: Rabbi Reisman's Chumash Shiur - Audio and Print Version

### **Rabbi Reisman - Parshas Emor 5778**

#### **1 - Topic - A thought on being Mechabeid Kohanim.**

As we prepare for Shabbos Parshas Emor. Today being Lag B'omer a very special M'yuchad holy day on our calendar. Let me start with a Nidon in Hilchos Emor and move on to a thought for Lag B'omer. Let's begin with

Parshas Emor. 21:8 (וְקָדְשְׁתוּ) is one of the Mitzvos of the Torah that is unfortunately easily ignored. An easy Mitzvah that is often ignored and that is to be Mekadeish a Kohen. To be Mekadeish a Kohen, to give a Kohen to have rights to be first in the different things of importance that come up in life.

Chazal say that he takes the Mana Yafa first, he is first to lead the Bentching, he should be first certainly for Devarim Shel Kedusha and according to many Poskim even the significant other things that take place around the table.

In Derech Sicha, I saw a fascinating Shaila that was asked of Rav Chaim Kanievsky, a number of Shailos of Kavod that Kehuna come first that are mentioned there. Here is a Shaila with a powerful message. The Shaila is that we know that a Kohen goes first, a Kohen first to Aliyos, he goes first to Bentching, he goes first to Daven for the Amud if everything else is equal.

What happens if there are two Levayos scheduled and one is someone who is a Kohen and one is someone who is not. So Rav Chaim Kanievsky was asked if the Mitzvah of (וְקָדְשְׁתוּ) applies to a Kohen even Achar Pitiraso (even when he is no longer alive). To that, Rav Chaim Kanievsky answered (וְקָדְשְׁתוּ--כִּי-אֶת-לְהֵם אֶלְרִיד, הוּא מְקַרֵּב). The Mitzvah to be Mechabeid a Kohen is because he does the Avoda in the Bais Hamikdash. Zagt Rav Chaim Kanievsky, this Niftar by Techias Hameisim will be able to go back and do Avodah in the Bais Hamikdash and therefore, he still has on him the Mailos Hakehuna and therefore, he should go first even L'acher Misah.

Zagt Rav Chaim Kanievsky, there is an exception to this. If you have a person who was involved in Ribbis loans, he did business that involved interest without worrying about the Ribbis ramifications, so a person like this if he is a Kohen does not get Kadima at the Levaya because someone who is Malve B'ribbis doesn't get up by Techias Hameisim. So since he will no longer have a connection to the Bais Hamikdash, he doesn't have Kadima. This is the message of Rav Chaim Kanievsky. Imagine a message to those who are Mezalzeil B'dinai Ribbis. What a powerful example of an issue.

Of course, I have my own Ha'ara to add. What was the Shaila. If you have two people and each one is holding by being buried. By saying Hespeidim for them who goes first, does the Kohen go first? Does (וְקָדְשְׁתוּ) apply to Achar Misah? Nice Shaila. What does that have to do with this case? In this case there are the Aveilim who have the Mitzvah to give honor to their father the Niftar. In such a case since the sons of a Kohen are Kohanim and therefore, they should have Kadima not because the Meis has Kadima but because the Chaim have Kadima. So Lechora that would be an additional reason to give Kadima to a Kohen.

Agav, Rav Chaim Kanievsky there is quoted as saying a second Chiddush which contradicts a Ho'ara that I had in the past. My Ho'ara was this. When you are Mechabeid a Kohen you are Mekayeim a Mitzvah Asei. The custom when I attended camp was that when it came to Bentching, they let the Kohen go first to Bentch. What does that mean that they let him go first? That means that there was a rotation among all of the staff members over the 4 or 8 weeks of camp. The Kohen was the first to lead the Bentching and then the next meal the next Kohen. When they ran out of Kohanim then the next meal they moved on to a Levi. It would seem to me that every meal is independent and that every meal there is a Mitzvah of (וְקָדְשְׁתוּ) to let the Kohen lead the Bentching.

Rav Chaim Kanievsky was quoted in the Sichos Mussar as saying that this is not so. If there is an Orail'ach, a guest who is not a regular and he is a Kohen he goes first. But for all the regulars, they take turns leading the Bentching and therefore, a Kohen goes first in taking turns but it is not so that there is a Mitzvah every meal. So I am correcting something that I said earlier, Rav Chaim Kanievsky says I am wrong and I am Mekabeil. So much for being Mechabeid the Kohanim.

#### **2 - Topic - Being Mechabeid a Chosson.**

Let's talk about being Mechabeid Chasanim. After all, after Lag B'omer Chassanas begin and I would like to share with you an incredible thought from the Medrash Talpious in Anaf Chosson V'kallah, a Gevaldige Machshava.

He says that we know that when there is a significant moment in a person's life he gets an Aliya. A Bar Mitzvah boy of course he gets an Aliyah. A Chosson gets an Aliyah. Someone who makes a Bris Milah gets an Aliyah. Someone who has a child gets an Aliyah. Someone who is Lo Aleinu an Avel when he finishes Aveilus gets an Aliyah.

By a Chosson he is a Chiyuv twice. The week of the Aufruf which is the Shabbos before the wedding he is a Chiyuv and on the Shabbos Sheva Berachos he is a Chiyuv. He gets not one but two Aliyos. Zagt the Medrash Talpious why is that so? This is because Chosson Dome L'melech and just like a Melech carries two Sifrei Torah. When it comes to a Sefer Torah he is double, so too the Chosson is double, he gets one Aliya before and one Aliya afterwards. Because of Chosson Dome L'melech it is coming to him to have the two Aliyos.

I would say as an aside, that he has to try understand which Aliyah is the Hedyot Aliyah and which Aliyah is the Melech Aliyah. The one before the wedding or the one after. That is something to think about.

I would add to it the following. By Mattan Torah there was a Mattan Torah of the Luchos and the first Mattan Torah when Moshe Rabbeinu went up to get the Luchos that were ultimately broken and it didn't last. That was done B'pumbi, that was done with a tremendous exhibition of fear and awe of HKB"H. There were Kolos Ub'rakim and Anan Kaveid Al Hahar. As we know, that did not have a Kiyum. The second Luchos were given quietly, they were given without lightning and without the excitement and that is what has a Kiyum.

I mentioned in a previous week that the same thing is true about Torah She'baal Peh. Rav Akiva, the Maschil, the Rav of Torah She'baal Peh. The one who spread Torah She'baal Peh in Klal Yisrael, he is responsible for Torah She'baal Peh that we have, he had two Kabbalos Hatoras. Once with 24,000 Talmidim B'pumbi, with excitement and that didn't last and then he had one with five great Talmidim and that lasted. Those Talmidim included the likes of Rav Meir and Rav Yehuda who are the authors of the Mishnayos and Braisos that we have. The first one, B'pumbi is not the one that lasts and the second one that is done Shtille'heit, the Yeshiva of five Talmidim, that is the one that remained.

A Chosson gets two Aliyos. The first is the Aufruf Aliya. Did you ever think about it? The Aufruf Aliya is done with lighting and Berakim, the Minhag is to throw candies at the Chosson, throw Pecklach at the Chosson. To sing and celebrate the Chosson. It is the Chosson's celebration. The Sheva Berachos week when the Chosson is Takeh Dome L'melech he gets another Aliyah and the Minhag is not to throw candy. The Minhag is to of course to make Sheva Berachos that Shabbos, but in the Shul itself not as much of a fuss is made.

The same thing is true. When somebody becomes a Chosson or someone becomes a Kallah it comes with a lot of excitement and there is joy and there is the thrill of preparing for a wedding. Preparing a wedding gown in the case of a Kallah or buying a tie in the case of a Chosson. There are very special things that take place. It is B'pumbi, it is with lightning, it is with excitement. It doesn't last. If someone needs excitement he will never have a happy marriage.

The second Luchos, the second case of Rav Akiva and his Talmidim, the second Aliyah of the Chosson, when he is heading now into the days of normal life with a wife, that is what has a Kiyum. The ability to have the happiness without the lightning, without the thunder, without all of the excitement of preparing for a wedding, that is the real one. The second one is the one that has to have the Kiyum L'netzach Netzachim.

And so, a thought for Parshas Emor and Kohanim and a thought related to the upcoming Mattan Torah and Chassanim.

### **3 - Topic - A Machshava from the Sefer V'harev Na on this week's Parsha.**

There is a fascinating Shaila that is brought. The Shaila is, thieves broke into a Shul and among other things they took out the Sifrei Torah and threw them on the floor and desecrated them. Of course the police were called and they told the people don't touch the Sifrei Torah as they are evidence and we will

be able to catch the Ganavim. Don't touch the crime scene. Of course, the people from the Shul were horrified as the Sifrei Torah were on the floor in a disrespectful way. The Shaila is, is it right to leave the Sifrei Torah the way they are or not?

This Shaila Rav Zilberstein in V'harev Na answers. He says that we find a precedent for this Shaila. The Shaila is can there be a situation where there is a physical Bizayon to Devarim Shebekedusha but because of the circumstances we can tolerate it because it is a greater Kavod to catch those that were Mevazeh the Sifrei Torah.

He brings for this an episode in Shoftim 19 the great story of Pilegish B'givah where the Pilegish Givah was unfortunately brutally murdered by a mob and her husband as the Posuk says in 19:29 ( וַיִּהְיוּ בְּכַף לְגִישׁוֹ, וַיִּנְתְּתֶהּ לְעַצְמֶיהָ, (לְשָׁנַיִם עֶשֶׂר נִתְּחָדוּ). He went and he sent parts of her body to different parts of the Shevatim to be M'oreir them to come and avenge the death of Pilegish B'givah.

Rav Moshe in the Igros Moshe Yor'e Dai'a Bais Siman Kuf Nun, explains that even though being M'naveil a Meis, not burying a Meis is a Bizayon, but because of the circumstances that was the Kavod of the Meis. That Klal Yisrael be awakened to the tragedy of her Petirah and her death would be avenged.

So too says Rav Zilberstein, the same thing is Emes about our Shaila. That those who perpetrated this terrible Rishus should be caught is important. Kal V'chomer Pilegish B'givah they did with Kum V'asei they actively were Mevazeh the body. Here it is V'shev V'al Taaseh, which is just not picking up the Sifrei Torah. Certainly it is appropriate in such a case to do what needs to be done and let the Ganavim be caught.

Of course though there is a deeper lesson, that Kavod (honor) and Bizayon depend on circumstances. Chazal say that there are people who feed their fathers the best meat and wine and it is a Bizayon the way they treat their parents. There are some who can't afford to give them big things but it is a Kavod the way they treat them. It is in the attitude in the way that things are done.

Lag B'omer is a special day. You don't say Tachanun and this year it is a Thursday Nach Besser! However, Lag B'omer has meaning. It is what you make of it. Lag B'omer is the preparation for Mattan Torah. It is the third 1/3<sup>rd</sup> of Sefira, the preparation for Mattan Torah.

Talmidai Rav Shimon Bar Yochai had Chisronos, they had failings, but it wasn't in Limud Hatorah and that is why they didn't die in the last third of the Sefira because this is a time of Limud Hatorah. Having excitement of bonfires and parties and not appreciate what is underneath is a Bizayon to Lag B'omer. The Kavod of Lag B'omer is the recognition of its deeper meaning.

I wish everyone an absolutely wonderful Shabbos, a meaningful preparation for Kabbalas Hatorah and a Gevaldige Mishmar night this evening. Kol Tuv!

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**Drasha Parshas Emor**

**By Rabbi Mordechai Kamenetzky**

**Mitzvah-Watch**

*Dedicated to the speedy recovery of Mordechai ben Chaya & Henya Chana Raizel bas Rochel Bayla.*

Observation does not necessarily mean participation – at least in an etymological or grammatical sense. My dealings with Jews who do not keep Torah law have led me to hear one quip, “of course Rabbi, I am an observant Jew. If someone performs a mitzvah in my presence, I observe a mitzvah!”

Of course, in our vernacular, when one is called an observant Jew, he does much more than watch! He or she participates in mitzvah performance; watching is not enough.

So that is why I was troubled this week, when I noticed a particularly expressive exhortation to mitzvah performance u'smartem es mitzvosai, v'aseesem osum — watch the mitzvos and do them" (Leviticus 22:31). What does "watch mitzvos" mean? If one does a mitzvah, he is surely doing more than watching them. Why then does the Torah tell us to watch the mitzvos in addition to performing them?

This past winter, in honor of 7 Adar, a day designated to honor the yearzeit of Moshe Rabbeinu, it was decided to give recognition to the community Chevra Kadish (burial society). Rabbi Paysach Krohn addressed a large gathering at Brooklyn's Bais HaChaim Chapel. His inspiring talk, (which I highly recommend) concerned the delicate issues of death, dignity, and decorum. He related the following story: (I may have skewed some details and invite my Dutch readers to correct my embellishments!)

Rabbi Yehuda Laib Lewis is the Rav of a beautiful kehilla in Amsterdam. As in every kehilla, the community has a Chevra Kadisha which tends to the needs of the dead and dying, insures a dignified burial for the deceased, and helps the mourners through the process of bereavement.

Membership is a privilege and only outstanding members of the kehilla are selected. There is one group of people who, no matter how outstanding they are considered in the community, are never asked to serve as part of the Chevra. You see, kohanim (priests) are not allowed to come in contact with a dead body, so burying the dead is one mitzvah that they rarely perform!

It so happened that Rabbi Lewis's community purchased a plot of land to consecrate a new cemetery for the kehilla. The kohanim, as well as other members of the community participated in this great mitzvah and designated the first plot that was to be used. Not long after the purchase, a member of the kehilla passed away. He would be the first to be buried in the new cemetery. The next day the friends and mourners arrived with the deceased at the cemetery. Shovels in hand, they approached the grave to begin burying the inaugural plot for the deceased.

They were shocked to see that the plot had been dug!

After burying the man, they found out the true story. Moshe Cohen, a member of the community and a kohen, wanted to participate in the great mitzvah of burying the dead, all his life. However, there are very few limits to the restriction of a kohen coming in contact with a dead person. But when Mr. Cohen heard that there was a new cemetery being consecrated and that there was no one interred in it, he saw the opportunity that he had watched and waited for. And the first one buried in the new cemetery had his grave ready and waiting, dug by none other than Moshe Cohen!

The Chasam Sofer reminds us of another time the Torah uses the word watch. The Torah tells us of Yosef's dreams of glory and that his father Yaakov, "watched the incident" Rashi explains that watched means waited in anticipation of fulfillment.

The Chasam Sofer explains that the Torah in this week's parsha tells us to do more than perform mitzvos. It tells us to watch for them. It exhorts us to anticipate their fulfillment. It teaches us to wait for the opportunities that arise, ready and able to perform when opportunity knocks!

Rabbi Akiva, his body raked by burning iron combs, told his students, "all my life I waited for the mitzvah to give one's soul for the Almighty. I wondered, 'when would it come to my hands so that I may fulfill it?'"

The Torah tells us this week, Watch for the mitzvos and then observe them! It is not enough to be a Jewish observer, rather one must be a Jewish anticipator as well! Good Shabbos!

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**Ohr Somayach :: Torah Weekly :: Parshat Behar**  
For the week ending 18 May 2019 / 13 Iyyar 5779

**Rabbi Yaakov Asher Sinclair - www.seasonsofthemoon.com**  
**Insights**

**Partners in Time**

**"When you come to the Land which I am giving to you, the Land shall observe a Sabbath rest for G-d." (25:2)**

When you look at the letterhead of some law firms you might think you're reading the New York phone book. It seems like everyone is a junior partner. In a way, we too want to be junior partners. Junior partners with G-d. We think: Okay G-d, you run the world. You're the Boss. I just want a little junior partnership over here to do what I want to do. I just want a little of my own space.

How can you have your own space when "His honor fills the world"? How can you have a junior partnership with the One to whom there is no 'two'? The religions of the world are based on the premise that you can be a junior partner with G-d. You can turn up once a week for an hour and that's that. The rest of your time is your own. A Jew is on duty 24/7, from the cradle to the grave. We are the people that G-d has chosen to serve Him. But doesn't that sound terribly forbidding? Am I nothing more than a cipher? A mindless automaton, following instructions? Where is my space? Where is my individuality?

In reality, G-d has given us a junior partnership. But it's not a partnership so we can slink off and play golf in the afternoons. It's a partnership in the very creation of time itself.

Nothing can exist in this world without a spark of holiness. Even a bathroom has a spark of holiness — the laws of how one should act there. Nothing can exist without holiness. Holiness is the air that the world breathes. Just like Man cannot exist without air, the world cannot exist without holiness.

When G-d created the world He created it with two kinds of holiness, which are expressed in Shabbat on the one hand, and in the Festivals on the other. The holiness of Shabbat is fixed, immutable. Every seven days we enter a world called Shabbat. It requires no intervention on our part. Shabbat flows down from the upper worlds without our assistance and beyond our control. The Festivals — Pesach, Shavuot and Succot — are another matter. G-d allows Man, as Beit Din, to establish the day on which the month begins. In giving to Man the power to adjust the day on which the month begins, G-d allows Man to determine on which days the Festivals occur.

In the mitzvah of shemita, (the Sabbatical year for the Land) it says, "When you come to the Land which I am giving to you, the Land shall observe a Sabbath rest for G-d." The Land is to observe a Sabbath rest for G-d. Exactly the same expression — "for G-d" — is used in the account of the Creation of Shabbat — "A Sabbath for G-d."

Just as there are two types of holiness in the days and the months, Shabbat and of the Festivals, so too there are two types of holiness in the years themselves. The seventh year is a Shabbat of the Land. Its holiness is "fixed" like Shabbat. The holiness of Yovel (the Jubilee year) is like the holiness of the Festivals. Its holiness represents a partnership of G-d and Man. "For it is Yovel; holy it will be to you."

If the shofar is not blown at the beginning of the Yovel year, the year is not a Yovel. If the slaves are not set free, the year is not a Yovel. If the fields do not return to their original owners, the year does not have the status of a Yovel and it is permitted to reap and sow like an ordinary year.

The year of shemita is different. Even if Beit Din fails to sanctify the year as a shemita year, it is nevertheless shemita. Its holiness is fixed. It is independent of Man. Even if the years have not been counted and there has been no cessation of sowing and reaping, the fields are considered ownerless and their produce exempt from tithes.

It is for this reason that shemita is called "a Sabbath of rest for G-d". Shemita, like Shabbat, allows for no junior partnerships.

Sources: Torat Kohanim, Rosh Hashana 9, Rambam Hilchot Shemita and Yovel, Ch. 26, Meshech Chochma in Iturei Torah  
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**OU Torah**

**Rabbi Dr. Tzvi Hersh Weinreb**

***A Life of Sanctification***

The conditions under which we live are many and varied. Some of us live in very comfortable, even idyllic, surroundings. Others struggle with diverse hardships, including poverty, disease, and the conditions of war. Our people have known unspeakably extreme conditions, such as those experienced during the Holocaust.

Throughout history, we have learned to obey God's commands, no matter the situation in which we find ourselves. Not too long ago, we all celebrated Passover. Some of us were privileged to conduct the seder in the Old City of Jerusalem, in close proximity to the site of the Holy Temple. Others gathered around tables in resorts in much more unlikely venues, ranging from Florida and California to exotic Mediterranean or Caribbean isles.

Most of us enjoyed the holiday in the warmth of our own modest homes, in places as geographically distant from each other as Brooklyn and Bnei Brak. Our collective memories drew upon images of the first Passover celebrated in Egypt at the brink of freedom from centuries of slavery, as well as images of Passovers experienced in the throes of the slavery of the Warsaw ghetto, and even in the nightmarish death camp of Auschwitz.

Our observance of mitzvot is never negated by the conditions of our lives. This week's Torah portion, Parshat Emor (Leviticus 21:1-24:23), confronts us with a mitzvah which must be observed in the full range of life's myriad conditions, however challenging they may be. I refer to the mitzvah of kiddush Hashem, usually translated as "the sanctification of God's name." Permit me to explicate this mitzvah by first providing an outline of the entire weekly parsha.

The parsha begins with a lengthy description of the standards of behavior required of the kohanim, the priests, the "sons of Aaron." This description occupies the entire first half of the parsha, chapters 21 and 22. The latter half of the parsha, chapter 23, enumerates the major festivals of the Jewish calendar. Between these lengthy sections, we find these brief verses:

"You shall faithfully observe My commandments... You shall not profane My holy name, so that I may be sanctified in the midst of the Israelite people—I the Lord who sanctify you... who brought you out of the land of Egypt to be your God..." (Leviticus 22:31-33).

The Rabbis understand these verses to refer, first of all, to the ultimate sacrilege: profaning God's holy name, or, in Hebrew, chillul Hashem. Conversely, these passages adumbrate the concept of the sanctification of God's name, kiddush Hashem, the noblest, and arguably the most difficult, of all the mitzvot.

Why do I say "most difficult?" Because the classical rabbinic definition of kiddush Hashem is the willingness to suffer martyrdom rather than betray one's faith in the Almighty. Thus, those Jews during the Spanish Inquisition who willingly chose martyrdom over baptism exemplified kiddush Hashem. Indeed, all of the six million victims of the Holocaust, who were killed merely because they were Jews, are said to have performed the mitzvah of kiddush Hashem.

But can this "sanctification" only occur in such dire circumstances? Is it only through one's death that one can "sanctify the Lord?" No one has ever responded to this question as resoundingly, and as eloquently, as did Maimonides when he wrote:

"Anyone who willingly, without being compelled to do so, violates any of the mitzvot, spitefully and without pangs of conscience, has thereby

profaned the name of the Lord. But, on the other hand, whoever refrains from sin, or performs a mitzvah, for no other reason, not out of fear, nor to seek glory, but rather to serve the Creator, Blessed is He, as did the righteous Joseph when tempted by his master's wife, such a person has sanctified the name of the Lord..." (Maimonides, Hilchot Yesodei HaTorah, 5:10).

From this perspective, we can better understand the words of Rabbi Isaac Nissenbaum, a leader of the religious Zionist movement in pre-war Poland, and a hero of the Warsaw ghetto who was ultimately murdered there. He insisted that in the hellish conditions of Nazi persecution, it had become necessary to somewhat modify the concept of kiddush Hashem so that it signified something more than martyrdom.

He introduced the phrase kiddush hachaim, "the sanctification of life." He wished to inspire the tortured residents of the ghetto not to "die for the purpose of sanctification of the name of the Lord," but rather to "live their lives in a manner that sanctified the name of the Lord." He urged his people to sanctify the name of the Lord, even in the horrendous conditions of the ghetto, by doing all that they possibly could to remain alive, to survive, and to live spiritual lives to the extent that those conditions allowed.

Rabbi Nissenbaum did not survive the Holocaust. But others with similar views did. One of them was named Rabbi Gad Eisner, whose heroic deeds in the aftermath of the Holocaust have been recorded by numerous eye-witnesses.

Many of the other survivors, upon discovering that their homes were gone and that their families had been killed, were ready to surrender to the "Angel of death" rather than struggle to remain alive. "What is there to live for?" they asked.

Rabbi Gad encouraged them to remain alive and arduously walked from bed to bed in a post-Holocaust makeshift hospital to spoon feed these tragic individuals.

More than that, after they had begun to physically recover, he inspired them to engage in spiritual practices, in Torah study, and even in joyous celebrations. He would say, in Yiddish, "az menn lebt, zohl zein gelebt," loosely translated as "as long as you are alive, live to the maximum!" Then he would add, "Remaining alive, fully alive, is the greatest sanctification of the name of the Lord, the highest form of kiddush Hashem."

But one does not have to resort to Maimonides, nor even to victims or survivors of the Holocaust, to find descriptions of kiddush Hashem. The Talmud offers a definition which is appropriate to those of us who thankfully live in far less extreme conditions, who live "ordinary lives".

This is the definition of kiddush Hashem offered by the Talmudic Sage Abaye:

"'Thou shall love the Lord your God.' (Deuteronomy 6:5) This refers to someone whose actions cause the Lord's name to become beloved by others. He is a person who reads Scripture, studies Mishnah, and associates with the wise; one who conducts himself courteously with all others, causing them to say, 'How fortunate are his parents who taught him Torah; how fortunate is the teacher who taught him Torah. So-and-so who learned Torah, observe how beautiful are his ways, how exemplary is his conduct.'" (Talmud, Tractate Yoma 86a)

This is the kiddush Hashem of which we are all capable. We need not be martyrs, we need not be heroes. We must merely guide ourselves by the Almighty's Torah and live our lives according to His ideals. That is how we can "sanctify His name."

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subject: Rav Frand - Even Admirable Midos Have Boundaries

**Rabbi Yissocher Frand - Parshas Emor**

***Even Admirable Midos Have Boundaries***

The last incident in Parshas Emor seems very strange and troubling. “The son of an Israelite woman went out – and he was the son of an Egyptian man – among the Children of Israel; they contended in the camp, the son of the Israelite woman and the Israelite man...” [Vayikra 24:10]. Two people get into a fight. One of them happens to be a full-fledged Jew and one of them happens to have a Jewish mother and an Egyptian father. The fellow with only a Jewish mother, in the course of the fight, pronounced the Name of G-d followed by a blasphemous remark and he was brought before Moshe. The Torah says the name of his mother: Shlomis daughter of Divree of the Tribe of Dan.

The prohibition of blasphemy is one of the most serious crimes. It is considered a capital offense, and applies even for Noahides. The Blasphemer was temporarily put in jail until his fate was determined. Ultimately, he was given the punishment of s’kilah [stoning].

Rashi comments on the fact that the Torah specifies the name of his mother as being Shlomis bas Divree: The Torah here makes known the praise of Israel, for this was the only woman (of all the Jewish women) who was promiscuous. Rashi says that this story – at the end of Parshas Emor – alludes back to a story that occurred all the way back in the timeframe of Parshas Shemos. This was the only Jewish woman, during all the years of Egyptian bondage – that had an extra-marital affair. And even in this case, there was a story behind her having illicit relations with an Egyptian that certainly mitigates the guilt from her perspective.

This is what happened: The second perek of Sefer Shemos contains the story of the Egyptian taskmaster smiting the Jew. Rashi there reveals that this Jewish victim was none other than the husband of this Shlomis bas Divree, mother of the Blasphemer. This Egyptian taskmaster cast his eyes upon Shlomis bas Divree. He summoned her husband to work early one morning while it was still dark outside. He returned to the fellow’s house, climbed into his bed, and had relations with his wife who thought that she was having relations with her husband. Rashi continues that the Jewish husband came home and sensed what happened. He confronted the Egyptian taskmaster who started beating him in an attempt to kill him so that he would not reveal his secret.

The Blasphemer was thus the product of this illicit union between the Egyptian taskmaster (who Moshe kills and buries, in Shemos 2:12) and the wife of the Jew who we find being beaten in Shemos 2:11, who is identified here in Parshas Emor as Shlomis bas Divree.

In light of what Rashi relates in Parshas Shemos, it is somewhat strange that Rashi here in Parshas Emor calls Shlomis bas Divree a zonah [a woman of ill repute]. Based on the narrative cited in Shemos, this woman was guiltless. She had no idea at the time that the Egyptian taskmaster was raping her! We have a universal principle that oness Rachmana patrei [the Torah excuses circumstances beyond a person’s control]. These were certainly circumstances beyond her control!

Apparently, she did something wrong, because Rashi calls her a zonah and says “pirsema ha’kasuv” [the Torah reveals her identity]. What did she do wrong?

Rashi continues to expound on the etymology of her name: “Shlomis” – indicating she used to be overly talkative – going around to everyone and saying “Shalom to you; Shalom to you; Shalom to you.” Her real name was not Shlomis, but she was called that because it described her activities of going around and schmoozing with everyone she met. However, again we can ask – is saying “Shalom to you” to everyone a good quality or a bad quality? Rabbi Masya ben Charash [Avos 4:15] counsels: “Greet with words of Shalom every person (even before they greet you).”

Rashi seems to be throwing the book at this poor Shlomis when she is very undeserving of such chastisement. Rashi likewise says that Divree was also not her father’s real name. That name also indicates someone who speaks with every person (from the root word daber, meaning to speak). What is going on here?

The basic answer to this question lies in a Medrash HaGadol on this week’s parsha. The Medrash HaGadol says on the words “Daughter of Divree” – that she was a “Dabranis” [one who talks a lot] and as a result of her speaking too much, she drew attention to herself, and that is why the Egyptian cast his sights upon her. She was always out there talking to everybody. Therefore, even though that quality can be a positive attribute (as we see in Pirkei Avos), that is true only for the proper time, place and person. A woman who is supposed to be modest cannot be as proactive and outwardly focused as a man can.

True, Rav Masya ben Charish says to go out of your way to greet people before they greet you, but it depends on who and depends under what circumstances. Chazal are trying to point out here by expounding the words “Bas Divree” that the mother of the Blasphemer was too talkative, too friendly. Because of that, the Egyptian felt himself drawn towards her. How did he have “eyes for her”? It is because she was out there mixing around and talking with everybody. She went beyond the boundaries of how a proper modest Jewish woman is supposed to act. That is how it happened. This means that she was not totally guiltless or blameless in the unfortunate incident in which she conceived the Blasphemer. This thing happened to her because she stepped over the line. People can misuse and abuse any type of proper human attribute. Chazal are saying that the forwardness of “Shlomis bas Divree” got her into trouble.

The Mishna also writes in Avos [1:12]: Be amongst the disciples of Aharon the Kohen – lovers of peace and pursuers of peace. The question is why – in teaching this lesson – does the Mishna need to begin “Be amongst the disciples of Aharon the Kohen”? Let the Mishna say it straight: Be lovers of peace and pursuers of peace! The answer is that being a lover of peace and a pursuer of peace is a fantastic attribute. The Holy One Blessed Be He found no better vessel to hold blessing other than Shalom [peace] [Uktzin 3:12]. However, even Shalom can be overdone. Sometimes a person is not supposed to make Shalom. Sometimes a person must stand up for what is proper. Therefore, the Mishna does not teach: Always be a lover of peace and a pursuer of peace. No. Be a lover and pursuer of peace like Aharon the Priest. Aharon was a lover and pursuer of peace, but he knew when to make peace and he knew when to say “Thus far, and no further. We cannot compromise.” Therefore, even this very elevated and praiseworthy characteristic, Shalom, has its time and place. Peace too has its boundaries. There is a time to say “Yes” to peace and there is a time to say “No” to peace.

That was the problem of Shlomis bas Divree. Her friendliness, outwardness and over-talkativeness got her into trouble in the first place. The appropriateness of being friendly depends to whom, by whom, where, and when. That is the lesson of this Rashi – there is a time and a boundary for even the most admirable of character traits.

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<http://www.jpost.com/Opinion/Columnists/>

Rabbi Shmuel Rabinowitz

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**Parashat Emor: Great is human dignity**

**Rabbi Shmuel Rabinowitz**

*Judaism sees the proper and respectful treatment of a person’s dead body as an expression of human dignity.*

At the beginning of this week’s Torah portion, Emor, we read about the restrictions placed upon the kohanim (priests). They are forbidden from approaching a corpse; the proximity creates “impurity,” according to Torah terms. This prohibition is for all dead bodies, with the exception of a short

list of seven relatives: a father, mother, brother, sister, wife, son and daughter for whom the kohanim can become impure. However, the kohen gadol, the high priest, whose holiness is greater than that of the other kohanim, cannot become impure even for his relatives.

But there is another instance which kohanim, and even the kohen gadol, are commanded to deal with a person's dead body and bury it. This is "met mitzvah," an abandoned corpse, when there's no one to take care of the burial. In this case, the kohanim's holiness is deferred and they must deal with the person's burial.

But why? What is this value that is greater than that of the kohanim's holiness?

The Babylonian Talmud deals with this question and concludes:

"Great is human dignity, as it overrides a prohibition in the Torah" (Tractate Megillah, page 3).

In a parallel issue in Tractate Shabbat, the possibility is raised that it may even be permissible to bury a "met mitzvah" on Shabbat. This possibility is rejected, and Halacha (Jewish law) forbids burying him on Shabbat, but the mere possibility points to the importance of this commandment, which is based on the concept of human dignity.

Of course, it is important to note that this rule – "Great is human dignity, as it overrides a prohibition in the Torah" – is not left up to the consideration of any individual person. It is anchored in the rules determining Jewish law as decided by rabbinical authorities throughout the generations who instruct us how to behave in the case of conflicting values.

Elsewhere, we learn of a rule decreed by Joshua ben Nun, the leader of the Jewish nation who followed Moses, according to which: "Met mitzvah acquires the place where is laying" (Babylonian Talmud, Tractate Baba Kama, page 81).

This regulation guarantees burial for that anonymous person whose corpse was found and there is no one to take care of it. If we needed to find a place to bury this anonymous person, time would pass during which his dignity would be violated. Therefore, even if the person is found on valuable land, he should be buried where he was found.

This teaches us of the significance of Jewish burial. Judaism sees the proper and respectful treatment of a person's dead body as an expression of human dignity. When there is no respect for the dead body of an anonymous person, there is a deep-seated disdain for all human dignity, including of the living. This care for human dignity leads to this commandment taking precedence over others, including those pertaining to the holiness of the kohen gadol. Rabbi Samson Raphael Hirsch (19th century German rabbi and philosopher) wrote the following: "This is a typical attitude of the Jewish Torah of life, to teach us that the ultimate goal of this Torah is to educate a person to be a person."

In many cultures, past and present, dead bodies are treated differently: they are cremated. Judaism vehemently opposes this and sees it as a desecration of human dignity. A closer examination reveals the Jewish perspective regarding the human body. A culture that condones cremation is expressing contempt and even aversion to the human body. Accordingly, the body is inconsequential and invaluable in relation to the person's soul.

But Judaism is careful to respect the human body even after the person's death, since not only is the soul important, but also the body. The soul, when on its own, cannot do anything. "I am considered among the dead who are free," said the poet of Psalms (88, 6). This means that the dead are free from dilemmas, they do not have the ability to choose from among options, to act, to create. Therefore, we are commanded to respect the human body, even when it no longer contains the spirit of life.

*The writer is rabbi of the Western Wall and Holy Sites.*

### *Shema Yisrael Torah Network*

#### *Peninim on the Torah - Parshas Emor*

*פרשת אמור תשל"ט*

**ולא תהללו את שם קדשי ונקדשתי בתוך בני ישראל אני ד' מקדשכם**

**You shall not desecrate My holy Name, rather I should be sanctified among Bnei Yisrael; I am Hashem Who sanctifies you. (22:32)**

**(והתקדשתם והייתם קדשים כי אני ד' אלקיכם)**

**(And you shall make yourselves holy, and you should be holy, for I am Hashem, your G-d. (20:7))**

The Torah exhorts us to strive to be holy. Some make it – others do not. Some make the attempt – others do not even bother. One might think that the barrier to achieving success in *ruchniyos*, spirituality, is a lack of aptitude, a deficiency of talent, or whatever excuses we might advance to justify our own lack of trying. In an inspiring exposition on the *Midrash* related to this *pasuk*, *Horav Tzvi Kuschlevsky, Shlita*, explains the real reason that many fail to achieve the mark of greatness.

The *Tanchuma (Emor 2)* relates that, in desperation, Shaul *Hamelech* went to a sorceress who employed an ove (form of sorcery) to raise Shmuel *HaNavi* from the dead, so that Shmuel could consult with him (concerning the war). When Shmuel appeared, he was wearing the coat that his mother, Chanah, had made for him when he was a little child. Obviously, Shmuel *HaNavi's* mode of dress was significant. What was so significant about this coat that it must be mentioned in the *Navi (Shmuel I 2:19)*, underscoring the fact that it was the same coat that his mother had made for him? Was Shaul concerned about going to war or not? He was unable to consult through the *Urim v'Tumim*, so he called up Shmuel. What role did the coat play?

The *Rosh Yeshivah* posits that from the mere fact that Shmuel was laid to rest wearing this coat (regardless whether it was the very same coat that his mother had made for him and it grew with him, or it was a replica of the original), we see that this coat was much more than a covering for his body. It was, in fact, a part of his essence. The *Rosh Yeshivah* notes that a material/physical object that plays a critical role in someone's life can become an essential part of him. For example, the *Rogatchover Gaon, zl*, instructed the *Chevra Kaddisha* of Dvinsk to bury *Horav Meir Simchah*, author of the *Or Sameach* and *Meshech Chochmah*, with the wood of his *shtender*, since it was essentially a part of him (as he was always learning over it).

Both the *Radak* and the *Malbim* emphasize that the purpose of this coat was not to keep the young Shmuel warm. Despite the fact that it had been sewn for a three-year-old boy, it was designed to resemble the coat of the *Kohen Gadol!* Chanah was intimating a powerful message to her son: You must strive for greatness. Never settle. Mediocrity is unacceptable. This coat conveyed to Shmuel not to measure his personal achievement by the barometer of the average person, but to strive for unparalleled, unprecedented greatness. He must yearn for – and work towards – becoming the *gadol hador*, the leader of the generation.

This is why the coat was considered to be a part of Shmuel's essence. It encouraged Shmuel's constant striving for greater achievement, thus reflecting his constant desire to grow spiritually in every way. Indeed, as the *Rosh Yeshivah* notes, when *Chazal* compare Shmuel with *Moshe Rabbeinu* and *Aharon HaKohen (Bamidbar Rabbah 18:8)*, they point to the coat as the reason for Shmuel's unprecedented spiritual achievement. Every time Shmuel donned that coat, he understood that it represented his chance to become great.

The primary deterrent to our achieving greatness is our lack of awareness of our full potential. If we would only be able to acknowledge our skills, talents, qualities and capabilities, and apply our genuine and sincere willpower toward utilizing them completely – we would maximize our potential and achieve greatness.

There is a well-known story that occurred concerning *Horav Zushe, zl, m'Annipole*, as he lay on his deathbed. He suddenly began to weep uncontrollably. His students who stood around his bed wondered why he

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was so emotional. He replied that he feared his Heavenly judgment. His students were really surprised. They were acutely aware of their revered *Rebbe's* saintliness. He explained, "When I arrive in Heaven, I know that Hashem will not question me why I did not become as great as Moshe *Rabbeinu* or David *Hamelech*. When He asks me, however, 'Why did you not become more like Zushe?' – what will I say?" We are not asked to be like Moshe, but we are asked to be "ourselves" – to maximize "our" own potential.

Our devoted mentors are charged with taking note and cultivating that potential. They must also help us to see and realize it. Some are more successful than others. Some either care more, or are more talented in noticing a student's potential and acting upon it. One thing is for certain: one who ignores a student's potential, because it is not his area of concern, is doing his student a great disservice by depriving him of his G-d-given function in life. *Gedolei Yisrael* made great demands on those charged with educating Jewish children, enjoining them to focus on the full potential of each student. There are times, however, when carrying out this objective is difficult. For example, when a student, for whatever reason, lacks motivation or presents serious discipline issues or other impediments to learning, this escalates the challenge for the mentor. How the mentor reacts determines his mettle and plays a critical role in the future success of that student. The following two vignettes present us with the perspective of our *gedolim*, Torah leader's, concerning how not to react, how not to respond.

A *menahel*, principal of a *yeshivah*, came to *Horav Aharon Leib Shteinman, zl*, complaining that he had a student in his school that had broken every rule, had been impossible to teach, and had disrupted the class on a regular basis. He had decided that it was time to ask the student to leave the school. What did the *Rosh Yeshivah* think about this? *Rav Shteinman* asked the *menahel* if he had exhausted every possible avenue of discipline, both punitive and therapeutic. The *menahel* confirmed that he had tried everything. "Did you pray for him?" *Rav Shteinman* asked. "Not really," was the *menahel's* reply. "Tell me his mother's name, and I will pray for him," *Rav Shteinman* said. "I do not know his mother's name," the *menahel* responded. "What?! You are prepared to eject a student from *yeshivah* – and you do not even know his mother's name? You have failed this student." (Obviously, he did not receive *Rav Shteinman's* permission to remove the student from school).

The second case took place at 1:00 am when a broken-hearted father knocked on the door of the home of the *Tolner Rebbe, zl*. One o'clock in the morning is late, but this father was distraught, since his son – who was, in his father's mind and words, a wonderful, sweet boy who just needed understanding – had been asked to leave his *yeshivah*. The father felt that the *menahel* was unjustified in ejecting his son from *yeshivah*. The *Rebbe* listened to the father and said, "Quick, let me get my coat. We will go visit the *menahel*." The fact that it was essentially in middle of the night did not seem to concern the *Rebbe*.

They went to the *menahel's* home and knocked on the door long enough until the *menahel* came to the door in his pajamas. The *Rebbe* looked at him incredulously: "You were in bed? I assumed that since you had adjudicated a life/death situation today (concerning sending the boy out of *yeshivah*), you would be unable to sleep." (In other words, if you were so cold, so dispassionate, concerning a boy's life then you have no business being a *menahel*).

ובהמשך עשר יום לחדש הזה חג המצות לד'

**And on the fifteenth day of this month is the Festival of Matzos to Hashem. (23:6)**

One year, *Horav Tzvi Hirsch Levin, zl*, had occasion to invite the mayor of Berlin (a gentile, but one that was quite respectful and friendly to the members of the Jewish community) for the first *Seder*. The mayor entered the home to observe the rich finery of the tablecloth and napkins on a table bedecked with the finest china and silver flatware. The mayor had a superficial knowledge of Jewish traditions and customs. He was, thus, taken

aback that *Pesach*, when we sit as kings, the young child traditionally asks the Four Questions, which begin, "Why is this night different?" when, in fact, on *Succos*, a festival during which we sit in a flimsy *Succah*, he asks nothing. One would think that a festival which emphasizes the temporal nature of our existence would invoke greater incredulity in the mind of a child than a festival in which we sit as kings.

*Rav Levin* responded with a practical explanation. "A Jewish child grows up with the notion that everything around him is temporary. One day he can be ensconced in his home and, the next day, the dictator who rules the country where he lives decides that it is time to expel the Jews. Thus, on *Succos*, when he sits in a temporary dwelling which, at best, can be described as flimsy (this was before our modern day structures that are made to withstand a tornado), he is not surprised. He is acutely aware that this is how Jews live. "On *Pesach*, however, he enters a home wherein the table is bedecked with finery; the chairs have pillows on them, on which the family members recline; fine wine accompanied by a rich meal is served – and the child asks questions: "Why is this night different?" We are living like kings. Jews are supposed to be on the run; instead, we are reclining and relaxing. Is it possible that our exile has ended?" the child wonders.

Let us analyze the difference between the *Pesach Seder*, which is experiential in nature and demands that we relive the Exodus by acting like free men, while never forgetting that we were once slaves; and the meal in the *Succah*, which is to remind us of the temporary nature of everything in life. *Pesach* is to convey the message of freedom from slavery. Thus, we have *marror*, bitter herbs, on the table to serve as a reminder of the bondage. The *Matzah* reminds us of the urgency of our liberation, intimating that Hashem – not us or Pharaoh – was in control of our destiny. "Earlier in the day I was a slave – tonight I am a free man – a king!": This is the message of the *Pesach Seder*. It is difficult for anyone – especially a child – to absorb such a metamorphosis. Therefore, he asks, "Why is this night different?"

The *Succos* meal is standard fare – no reminders, no messages other than the flimsy walls and leaky roof of the *Succah*. Message: We must trust in Hashem for everything, every movement, all of the time. The *Pesach* message is: You are free, but never forget from whence you came; do not forget that you were once a slave. Thus, keep the *marror* prominently on the table amidst your finery. It belongs there. The *Succos* message: Never forget that whatever you have is temporary; in the space of a moment, the nice, friendly neighbors whom you felt were your friends can turn on you. It happened in Germany prior to World War II. Who says that it cannot happen again? Trust in Hashem. That is all that we can do.

Which message provokes questioning? Which scene beleaguers the mind of a young child more? I think the bowl of *marror* sitting right in middle of the table is a greater anomaly than sitting in the flimsy *Succah*. Paradox invokes question. *Pesach* is a greater paradox. After all – are we free, or not?

Veritably, *Pesach* and *Succos* both have parallels that end up being different from one another. Indeed, this is because the two Festivals have varied foci. Both *Pesach* and *Succos* address four types of Jews who are different from one another in levels of belief, commitment and knowledge of Judaism. *Pesach* is celebrated with four sons "sitting" at the *Seder* table: the wise and wicked sons together with their brothers, the simple son and the one who knows not what to ask. When the wicked son scoffs at the traditions which we observe, we blunt his teeth, intimating to him that with such an attitude, he has no business at the *Seder* table.

On *Succos*, we celebrate with the Four Species, which symbolize four classes of Jew: the Jew who has "taste" and "fragrance" ie, the Esrog, (this means that they have Torah, *taam*, taste – and *maasim tovim*, good deeds); the *Lulav*, which has taste, but no fragrance; those who have fragrance, but not taste, ie, the *hadass*, myrtle; last, the Jew who has neither taste nor fragrance, no Torah or *maasim tovim*; the *aravah*, willow. Hashem instructs us to bind all of these together as one; thus, as a group, they all achieve atonement.

The question is obvious: Why on *Succos* are we instructed to include all factors, yet, on *Pesach*, we are told to blunt the teeth of the *rasha*, wicked son? *Horav Elchanan Sorotzkin, zl*, distinguishes between *Succos* and *Pesach*, which is a family/home oriented festival/celebration, *seh labayis*, a lamb for a household. The *Korban Pesach*, Pascal offering, is to be eaten together in a group in the house where all are included. In contrast, *Succos* is celebrated outside of the regular house, outdoors, under the sky, without the protection of the home. On *Succos*, we leave our homes and go into exile, while *Pesach* is about *yetzivus*, staying in one place. We are free men with a home. Free men celebrate their freedom in a concrete, stationary edifice. They are not compelled to move around.

When the celebration is homebound, family-oriented, stationary, our attitude concerning including the wicked son is clear: Sorry. We love you and want you to return (on our terms), but this is a (small) family celebration. We require a cohesive family, all of one mind and level of commitment. We are celebrating the Festival of Freedom. You are not free. You are enslaved to your desires, false ideologies, arrogance. When you repent and change, you will be treated with respect.

On *Succos*, we remove our family from the home and take them on the move into exile, protected by flimsy walls/roof and a prayer. Exile implies adversity, *tzaros*, troubles. Along the way, we will pick up the stragglers who are also suffering. In exile, we are all together as one, bound by our common heritage and (hopefully) destiny. In exile, we turn our back on none. We wait – and wait – for the glorious day on which Hashem will send us Eliyahu *HaNavi*, who will return all of the lost and alienated and bring them “home.”

**וספרתם לכם ממהחזרת שבת**

**You shall count for yourselves – from the morrow. (23:15)**

The *halachah*, as recorded in *Shulchan Aruch*

*Orach Chaim* 493:1, states that the prevalent custom is not to make weddings between *Pesach* and *Shavuos* (during a specific thirty-three day period), because it was during this time that the students of Rabbi Akiva (twenty-four thousand) died. The *Talmud (Menachos 29b)* states: “*Rav Yehudah* said in the name of *Rav*, when *Moshe Rabbeinu* ascended *Har Sinai* to receive the Torah, he found Hashem attaching crowns to some of the letters of the Torah. *Moshe* asked, ‘Hashem, who is holding You back (preventing you from making the Torah larger)?’ Hashem replied, ‘One day, there will be an individual whose name will be Akiva ben Yosef, who will expound mounds and mounds of *halachos* from each point of the letters.’ When *Moshe* heard this, he asked, ‘*Ribono Shel Olam*, You have such a (great) person, and You chose (instead) to give the Torah through me?’ Hashem replied, ‘Be silent. This is My thought.’ (In other words, it was My decision for a reason that you are not able to understand.)”

*Horav Yechezkel Abramsky, zl*, asks a compelling question. If Rabbi Akiva was able to expound mounds and mounds of *halachos* from the points of the letters of the Torah, then our *Shas/Talmud* should be voluminous. What happened to the *Shas* “according to Rabbi Akiva”? How did so many *halachos* disappear from *Shas*? *Rav Abramsky* explains that, clearly, Rabbi Akiva taught these halachos to his *talmidim*, students, and when they died, the *halachos* disappeared with them. This is a monumental *chiddush*, innovative idea, but one that illuminates for us why we, after all of these years, still continue to mourn the untimely deaths of these twenty-four thousand Torah giants. This mourning rite seems to ignore the *halachah* that one does not mourn for the deceased for longer than twelve months. How are we to reconcile this *halachah* with our continued mourning for the *talmidim* of Rabbi Akiva?

*Rav Abramsky* explains that the *gezeirah*, decree, that *ha’meis yishtakach min ha’lev*, the deceased should be forgotten from the heart, applies only when one mourns for the loss of an individual, someone external of himself. In such a case, too much expression of grief is unhealthy. Life must go on. Concerning the *talmidei* Rabbi Akiva, we are mourning for ourselves over the irreplaceable loss of wisdom that ceased with their demise. Had they lived, they would have transmitted to us the Torah expositions of Rabbi

Akiva to us. Our Torah would have grown exponentially in size. Thus, their untimely passing deprived us of untold Torah wisdom. During the weeks of *sefirah*, when we mourn the *talmidei* Rabbi Akiva, we lament our loss – a loss for which we can never be compensated.

This idea (I think) applies to all of the tragedies sustained by our People throughout the millennia. When great sages are suddenly taken from us, we lose the Torah they would have transmitted to us. While there are those who have placed a number to the unspeakable tragedy of the Holocaust, we must add to this number the potential of Torah that was lost to our People. Had they lived... *Klal Yisrael* would have had a completely different self-image, appearance and identity. Life would have been different. Thus, we continue to grieve – and grieve.

**ויציאו את המקלל מחוץ למחנה וירגמו אתו אבן**

**And they took the blasphemer to the outside of the camp, and stoned him to death. (24:23)**

**ויציאו אתו כל העדה אל מחוץ למחנה וירגמו אתו באבנים**

**The entire assembly removed him to the outside of the camp, they pelted him with stones and he died. (Bamidbar 15:36)**

The Torah is teaching us about the punishment meted out to the *mekallel*, blasphemer. In *Sefer Bamidbar*, the Torah relates the punishment which the *mechallel Shabbos*, desecrator of *Shabbos*, received. The *mekoshesh eitzim*, the individual who gathered twigs on *Shabbos*, was stoned, as was the blasphemer. While their punishments were similar, the Torah’s description of the actual execution is textually different. With regard to the *mekallel*, the Torah writes, *Vayirgemu oso even*, “They stoned him with *even*,” which means one stone. Concerning the *mekoshesh*, however, the Torah writes, *Vayirgemu oso b’avanim*, “They stoned him with stones.” Why is the blasphemer stoned with *even*, one stone, while the *mekoshesh* is stoned with *avanim*, many stones?

*Horav Yeshayah, zl, m’Prague* (quoted in *Nifloasecha Asichah*) explains that the variance lies in the sin and how the nation viewed it. There is no question that the blasphemer’s action was an egregious sin, abhorred by the entire nation. When they threw the stones at the blasphemer, it was a collective execution for which there were no detractors. This man was evil. He had committed a heinous crime and was receiving his due punishment. Thus, the Torah writes that he was stoned with *even* – one stone, which describes the collective agreement of the entire nation to be divested of this human scourge.

The *mekoshesh eitzim* was an individual who claimed that he was acting *l’shem Shomayim*, for the sake of Heaven, to teach the nation the stringency of desecrating *Shabbos*. When the people would see the severity of his punishment, they would realize that this was no ordinary sin. There were people, however (those who see only good; who, regardless of the detestable nature of the sin, find some way to excuse or justify the most evil behavior), who were prepared to gloss over the *chillul Shabbos*, even labeling *Tzafchad* (the name of the *mekoshesh*) as a *tzaddik*, righteous person, for his “courage” to give up his life, so that others would learn an important lesson. Sadly, such reaction to flagrant sin is not uncommon. Perhaps this is why those who observe Torah and *mitzvos* are in such a minority. When the *mekoshesh* was stoned, it was with *avanim*, many stones. Everyone participated equally (in action), because Hashem had instructed the nation. In their minds, however, there were those who had questions, who were not in agreement. They were not all on the same page. Thus, they threw numerous stones, representing dissenting ideas.

At first, I felt the Torah’s wording does not support this exposition. With regard to the *mekoshesh*, the Torah writes *Va’yotziu oso kol ha’eidah*, “And the *eidah*, community, group, took him out.” The Torah uses three different terms to describe a community: *tzibbur*; *kehillah*; *eidah*. Obviously, each has a distinct meaning. *Eidah* is derived from the word *eid*, which means witness. The people who constitute an *eidah* agree with one another. They maintain a strong sense of collective identity, having witnessed and been a part of the same events. They are all focused on a common purpose.

Korach's *eidah* was evil. They were all focused on mutiny and impugning Moshe *Rabbeinu's* leadership. An *eidah* is a group of like-minded people bent on a common goal. If this is the case, the people that gathered to enforce Hashem's instructions to execute Tzafchad were all in agreement, a notion which is inconsistent with the above exposition.

We must, therefore, submit that as far as taking the *mekoshesh* out to be executed, the entire community was like-minded, but when it came to carrying out the judgment against him, they began to hem and haw. This is not uncommon at a time in which an unpleasant decision must be carried out. At first, everyone seems to be on the same page. When the actual deed must be executed, we notice how suddenly (and conveniently) certain individuals just realize that they have a meeting, an appointment, a pressing issue to attend to, etc. Apparently, communities have not changed.

לזכר נשמת

חיים יששכר בן יהואל זאדל דוב ל' ג' א"ת

Feigenbaum, Richman and Finkelstein Families

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Subject Weekly Halacha

by Rabbi Doniel Neustadt (dneustadt@cordetroit.com)

Yoshev Rosh - Vaad HaRabanim of Detroit

**Weekly Halacha Parshas Metzora**

**Toys And Games On Shabbos**

**Rabbi Doniel Neustadt**

*The following is a discussion of Halachic topics related to the Parsha of the week. For final rulings, consult your Rav.*

The seventh day is a Sabbath day of complete rest... you should not do any work (23:3)

PERMITTED GAMES AND TOYS:

Beads - Beads may be strung, but only if the knot in the string was tied before Shabbos(3).

Binoculars - Adjusting the focus is also permitted(4) .

Blocks

Board or Dice games - Battleship, Chutes and Ladders, Risk, Trouble, etc.

Books(5) - Most poskim maintain that it is permitted to open and close books which have words stamped on their edges as is commonly found in library books. The basic

halachah conforms to their opinion(6). In deference to the minority view, however, it is proper not to use such books when others are available(7).

Bubbles(8)

Cards - After the game is over, the cards may not be sorted by color, type, etc.

Checkers, Chess, Dominos

Dolls

Hide-and-peek, Hopscotch, Jump rope, Tag(9)

Lego, Tinkertoy, Bristle Blocks - Most poskim allow playing with these on Shabbos(10). There are, however some poskim who rule stringently(11).

Monopoly - Play money is not prohibited(12).

Pick-up-stix - If the game is usually played with the score being recorded, it is forbidden to play even if the score will not be recorded. If it is usually played without

recording the score, then it is permitted.

Sandbox - Water may not be poured into the sand.

Scrabble for Junior(13).

Stamp collection - May be viewed when collecting stamps is a hobby, not a business.

Sticker collections - May be handled when the stickers are easily - effortlessly - stuck on and peeled off. If they are stuck on firmly and will remain intact for 24 hours, it may be prohibited(14).

Tent - It is permitted to drape a blanket over a table or chairs so that children can play underneath(15).

Tricycle(16) - In an enclosed area only.

FORBIDDEN GAMES AND TOYS:

Bells, Rattles, Phones, Whistles - Any object whose purpose is to make noise is Rabbinnically forbidden(17). If it makes noise immediately upon being picked up, it is also

"severe" muktzeh.

Bicycle(18) - Prohibited, because it is generally ridden out of an enclosed area and is liable to require adjustment. It is "light" muktzeh, which may be moved if the space it occupies is needed.

Boggle - Usually entails writing words and recording the score. It is Rabbinnically forbidden to play even if the words or the score will not be written. Placing the cubes in the

individual slots may also be considered writing, since the letters remain fixed in the board. For this reason Junior Boggle may also be prohibited.

Clay, Playdough - Could involve aspects of "Kneading," "Building" or "Writing."

Etch-A-Sketch, Magna Doodle

Models - Toys composed of parts which are screwed together are prohibited because of "Building". These include airplane or train models, etc.

Paper airplanes and boats - Can be played with but not assembled(19).

Scrabble, Deluxe Scrabble - Usually requires writing the score. It is forbidden to play even if the score will not be written(20). Deluxe Scrabble may also be considered

"Writing", since the letters remain attached to the board(21).

Snowball, snowman - Snow that fell before Shabbos is definitely not muktzeh. Snow that fell on Shabbos is questionable muktzeh(22). Almost all poskim agree, however,

that a snow man or snow balls should not be made on Shabbos(23). Writing in the snow is prohibited(24).

Tile Pictures

Tree-climbing - Rabbinnically forbidden(25).

Weaving, Lanyards - Either yarn, plastic or other materials are all prohibited(26).

QUESTIONABLE GAMES

Puzzles - The issue is whether putting together shaped pieces to form a word or a picture is considered "Writing". Some poskim prohibit all kinds of puzzles(27) while

others allow all kind of puzzles(28). Other poskim allow them only when they are not in a frame and the pieces are not tightly fitted together(29).

Wind-up toys - Some poskim allow wind-up toys (cars, robots, etc. without batteries) unless they produce a spark(30). Other poskim disagree(31).

FOOTNOTES

1. Mishnah Berurah 290:7; 307:4-5.

2. Ki Savo 5757.

3. Shemiras Shabbos K'hilchasah 16:21; Be'er Moshe 6:37

4. O.C. 307:17; Chazon Ish (quoted in Tzitz Eliezer 6, pg. 296).

5. See O.C. 307:17 and Aruch ha-Shulchan 11 concerning reading secular books on Shabbos.

6. Shulchan Aruch Harav 340:4; Aruch ha-Shulchan 340:23.

7. Mishnah Berurah 340:17. See Chazon Ish O.C. 61:1 who is more stringent.

8. Harav S.Z. Auerbach (Shemiras Shabbos K'hilchasah 16, note 81\*).

9. O.C. 301:2.

10. Harav S.Z. Auerbach (Shemiras Shabbos K'hilchasah 16, note 53); Tzitz Eliezer 13:30;

Yechaveh Da'as 3:; Ohr le-Tziyon 2:272; Be'er Moshe 6:26.

11. Harav S.Y. Elyashiv (quoted in Shalmei Yehudah, pg. 90 and in Yashiv Moshe, pg. 35);

Machzeh Eliyohu 69. Harav M. Feinstein is quoted (Sefer Tiltulei Shabbos, pg.

24) as not rendering a final ruling on this issue. It stands to reason that Waffle Blocks, which are loosely connected blocks, would be permitted even according to the more stringent view.

12. Harav S.Z. Auerbach (Shemiras Shabbos K'hilchasah 16, note 84).

13. Based on Igros Moshe O.C. 1:135
  14. Based on O.C. 317:3 and 340:14.
  15. Mishnah Berurah 315:31.
  16. Harav M. Feinstein (oral ruling, quoted in Sefer Tiltulei Shabbos, pg. 24); Be'er Moshe 6:16.
  17. O.C. 339:1. For this reason, games which have timers that make a noise as the minutes tick by, are prohibited.
  18. Kaf ha-Chayim 404:8; Tzitz Eliezer 7:30-1.
  19. Harav S.Z. Auerbach (Shemiras Shabbos K'hilchasah 16:18).
  20. Chayei Adam 38:11.
  21. Harav M. Feinstein (oral ruling, quoted in Sefer Tiltulei Shabbos, pg. 25).
  22. Mishnah Berurah 338:30 writes that rain that fell on Shabbos is not muktzeh. Some poskim (Har Tzvi - Soser; Harav S.Y. Elyashiv - Shalmei Yehudah, pg. 203; Shemiras Shabbos K'hilchasah, pg. 190) hold that snow is similar to rain, while others (Igros Moshe O.C. 5:22-37; Harav S.Z. Auerbach, Sefer Tiltulei Shabbos, pg. 13) maintain that snow may be considered severe muktzeh. See also Mishnah Berurah 310:32 quoting Chayei Adam.
  23. Be'er Moshe 6:30; Shemiras Shabbos K'hilchasah, pg. 190.
  24. See Mishnah Berurah 340:20.
  25. The details of this prohibition were discussed in a previous column (Shelach, 5757).
  26. Mishnah Berurah 344:11.
  27. Harav M. Feinstein (oral ruling, quoted in Sefer Tiltulei Shabbos, pg. 25); Harav S.Y. Elyashiv (Shalmei Yehudah, pg. 90).
  28. Ohr le-Tziyon 2:272; Be'er Moshe 6:26; Harav C.P. Scheinberg (quoted in Children in Halachah, pg. 140).
  29. Harav S.Z. Auerbach (Shemiras Shabbos K'hilchasah 16:23).
  30. Harav S.Z. Auerbach (Shemiras Shabbos K'hilchasah 16:14).
  31. Harav S.Y. Elyashiv (Shalmei Yehudah, pg. 93); Harav M. Feinstein (orally quoted in Sefer Tiltulei Shabbos, pg. 28). For an explanation of the issues involved, see Rabbi Neustadt is the Yoshev Rosh of the Vaad Harabbonim of Detroit and the Av Beis Din of the Beis Din Tzedek of Detroit. He could be reached at dneustadt@cordetroit.com
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**Nu, so, what is new?**

**The laws of Chodosh**

**By Rabbi Yirmiyohu Kaganoff**

Question #1: New mitzvah?!

"When I was young, I do not think I ever heard about a prohibition called chodosh, or that something was yoshon. These days, I am constantly hearing these terms. Do we now have a new mitzvah?"

Question #2: New/Old Visitor

"We have decided to stay permanently in Eretz Yisrael, but we visit the United States a few times a year. Do we need to be concerned about chodosh when we visit?"

The Basics

Before addressing the issue underlying both questions, which is whether the prohibition of chodosh applies outside Eretz Yisrael, we must first study some essential details of the mitzvah. The Torah teaches in parshas Emor:

"Bread, sweet flour made from toasted kernels, or the toasted kernels themselves, may not be eaten until that very day – until you bring the offering to your G-d. This is a law that you must always observe throughout your generations in all your dwelling places" (Vayikra 23:14). "That very day" refers to the second day of Pesach, the day that the korban omer, the "offering" mentioned in the pasuk, is brought. (This is the same day that we begin counting the omer, a practice we continue until Shavuos.)

The Mishnah (Menachos 70a) explains that this mitzvah applies only to the five species that we usually categorize as grain, which Rashi (Pesachim 35a) defines as wheat, barley, spelt, oats and rye. The Gemara (Menachos 70b) demonstrates that the laws of chodosh apply to the same varieties of grain that can become chometz.

What Permits the New Grain?

We should note that the Torah mentions two different factors that permit the new grain – it "may not be eaten until that very day – until you bring the offering to your G-d."

This seems to be a bit contradictory. What permits the new grain, the day or the offering that transpires in the course of the day?

Will it be Brought?

The Gemara (Menachos 68a) concludes that it depends on whether a korban omer will be offered that particular year. Until the Beis Hamikdash was destroyed, a korban omer was brought annually, and offering this korban permitted the new grain, thereby fulfilling "may not be eaten... until you bring the offering to your G-d." After the Beis Hamikdash was destroyed, it is the day that permits the new grain.

There is a further question: When there is no korban omer at what point during the day does the new grain become permitted?

The Gemara quotes a dispute concerning this fact, whether, is it the beginning of the day or its end. The Gemara concludes that even those who permit the new grain at the beginning of the day, this is only min haTorah, but they agree that miderabanan the new grain is not permitted until the day ends (Sukkah 41b).

"New" Grain versus "Old" Grain

This new grain is called chodosh, literally, new. Once Pesach passes, the grain is called yoshon, old, even though it may have been planted only a few days before. The promotion from chodosh to yoshon transpires automatically on the second day of Pesach – all the existing chodosh becomes yoshon grain on that day, even that which is still growing. The only requirement is that by then the grain has taken root. Thus, designating the grain as "old" does not mean that it is either wizened or rancid. Grain planted in the late winter or early spring often becomes permitted well before it even completed growing. On the other hand, grain that took root after the second day of Pesach is categorized as "new" grain that may not be eaten until the second day of the next Pesach, the following year.

How Do We Know That It Is Newly Rooted?

Since most of us spend little time subterraneanly, how are we to know when the newly planted seeds decided to take root? This question is already debated by the Tanna'im. The halachic authorities dispute whether we assume that seeds take root three days after planting or not until fourteen days after planting. If we assume that they take root in only three days, then grain planted on the thirteenth of Nisan is permitted after the sixteenth. This is because the remaining part of the thirteenth day counts as the first day, and the fifteenth day of Nisan (the first day of Pesach) is the third day, and we therefore assume that the new grain rooted early enough to become permitted. However, grain that was planted on the fourteenth, Erev Pesach, is forbidden until the following year (Terumas Hadeshen #151; Pischei Teshuvah, Yoreh Deah 293:4, 5; Aruch Hashulchan).

According to those who conclude that it takes fourteen days to take root, the grain that is planted on the thirteenth does not become permitted until the next year. In addition, any grain planted on the third of Nisan or afterwards will not be permitted until the coming year, whereas that planted on the second of Nisan becomes permitted. We count the second of Nisan as the first day, which makes the fifteenth of Nisan the fourteenth day, and the grain took root early enough so that the sixteenth of Nisan permits it (Nekudos Hakesef; Dagul Meirevavah; Shu"t Noda Biyehudah 2:Orach Chayim:84).

What's New in Chutz La'aretz?

Now that we understand some basic information about chodosh, we can discuss whether this mitzvah applies to grain growing outside Eretz Yisrael. Following the general rule that agricultural mitzvos, mitzvos hateluyos ba'aretz, apply only in Eretz Yisrael, we should assume that this mitzvah does not apply to grain that grew in chutz la'aretz. Indeed, this is the position of the Tanna Rabbi Yishmael (Kiddushin 37a). However, Rabbi Eliezer disagrees, contending that the mitzvah applies also in chutz la'aretz.

This dispute is based on differing interpretations of an unusual verse. When closing its instructions concerning the mitzvah of chodosh, the Torah concludes: "This is a law that you must always observe throughout your generations in all your dwelling places." Why did the Torah add the last words, "in all your dwelling places"? Would we think that a mitzvah applies only in some dwellings and not in others?

The Tanna'im mentioned above dispute how we are to understand these unusual words. Rabbi Eliezer explains that "in all your dwelling places" teaches that this prohibition, chodosh, is an exception to the rule of mitzvos hateluyos ba'aretz and applies to all your dwelling places – even those outside Eretz Yisrael. Thus, although we have a usual rule that mitzvos hateluyos ba'aretz apply only in Eretz Yisrael, the Torah itself taught that chodosh is an exception and applies even in chutz la'aretz.

Rabbi Yishmael explains the words "in all your dwelling places" to mean the mitzvah applies only after the land was conquered and settled. As a result, he contends that chodosh indeed follows the general rule of agricultural mitzvos and applies only in Eretz Yisrael.

The New Planting

When a farmer plants his crops depends on many factors, including what variety or strain he is planting, climate and weather conditions, and even perhaps his own personal schedule. At times in history, even non-Jewish religious observances were considerations, as we see from the following incident:

The Rosh reports that, in his day, whether most of the new grain was chodosh or yoshon depended on when the gentiles' religious seasons fell out. Apparently, in his day sometimes the gentiles planted well before Pesach, and in those years there was no chodosh concern, since the new grain became permitted while it was still growing. However, there were years in which the gentiles refrained from planting until much later, and in those years the new grain was chodosh (Shu"t HaRosh 2:1). In addition, they had a practice not to plant during the xian holiday season that they call Lent. Sometimes Lent fell during Pesach and the xians planted before, and sometimes it fell

earlier and they planted after Pesach, in which case there was a chodosh problem. We therefore find the rather anomalous situation in which the Rosh needed to find out exactly when the gentiles observed their religious month to know whether the grain was chodosh or yoshon.

What is New in Agriculture?

But one minute — the Rosh lived in Europe, first in Germany and then in Spain. Why was he concerned about chodosh? Should this not be an agricultural mitzvah that does not apply to produce grown outside of Eretz Yisrael? From the citation above, we see that the Rosh ruled that chodosh is prohibited even in chutz la'aretz. The Rosh is not alone. Indeed, most, but not all, of the Rishonim and poskim conclude that chodosh applies to all grain regardless of where it grows, since we see from the Gemara that chodosh was practiced in Bavel, even though it is outside Eretz Yisrael (Menachos 68b). However, notwithstanding that the Rosh, the Tur and the Shulchan Aruch all prohibit chodosh grown in chutz la'aretz, the traditional approach among Ashkenazic Jewry was to permit the use of new grain. Why were they lenient when most authorities rule like Rabbi Eliezer that chodosh is prohibited even outside Eretz Yisrael?

Later authorities suggest several reasons to permit consuming the new grain.

Doubly Doubtful

Many authorities permitted the new grain because the new crop may have been planted early enough to be permitted, and, in addition, the possibility exists that the available grain is from a previous crop year, which is certainly permitted. This approach accepts that chodosh applies equally in chutz la'aretz as it does in Eretz Yisrael, but contends that when one is uncertain whether the grain available is chodosh or yoshon, one can rely that it is yoshon. Because of this double doubt, called a sefeik sefeika, many major authorities permitted people to consume the available grain (Rema, Yoreh Deah 293). However, we should note that this heter is dependent on available information, and these authorities agree that when one knows that the grain being used is chodosh one may not consume it.

The Rosh accepted this approach, and was careful to monitor the planting seasons so as to ascertain each year whether the grain was planted in a time that caused a chodosh issue. In years that there was a chodosh problem, he refrained from eating the new grain — however, it is interesting to note, that he was extremely careful not to point out his concerns to others. He further notes that his rebbe, the Maharam, followed the same practice, but said nothing about this to others. Thus, we see that some early gedolim were strict for themselves about observing chodosh but said nothing to others out of concern that they would be unable to observe chodosh. This practice was followed in the contemporary world by such great luminaries as Rav Yaakov Kamenetsky, who was personally stringent not to eat chodosh, but was careful not to tell anyone, even family members, who followed the lenient approaches that I will soon share.

Another Heter

Other authorities permitted the chutz la'aretz grain, relying on the minority of early poskim who treat chodosh as a mitzvah that applies only in Eretz Yisrael (Taz; Aruch Hashulchan). This is based on a Gemara that states that when something has not been ruled definitively, one may rely on a minority opinion under extenuating circumstances (Niddah 9b).

This dispute then embroils one in a different issue: When the Gemara rules that under extenuating circumstances one may rely on a minority opinion, is this true only when dealing with a rabbinic prohibition, or may one do so even when dealing with a potential Torah prohibition. The Taz and Aruch Hashulchan, who permitted chodosh for this reason, conclude that one may follow a minority opinion even when dealing with a potential Torah prohibition. The Shach rejects this approach, and concludes that one must be stringent when one knows that the grain is chodosh (Nekudos Hakesef. See also his Pilpul Behanhagos Horaah, located after Yoreh Deah 242; cf. the Bach's essay on the same topic, published in the back of the Tur Yoreh Deah, where he rules leniently on this issue.)

The Bach's Heter

Another halachic basis to permit use of the new grain is that chodosh applies only to grain that grows in a field owned by a Jew, and not to grain grown in a field owned by a non-Jew. Since most fields are owned by gentiles, one can be lenient when one does not know the origin of the grain and assume that it was grown in a gentile's field, and it is therefore exempt from chodosh laws. This last approach, often referred to simply as "the Bach's heter," is the basis upon which most Ashkenazic Jewry relied.

We may note that the Rosh, quoted above, rejects this heter, and that Tosafos (Kiddushin 37a end of s.v. kol), the Tur and the Shulchan Aruch also reject this approach. Similarly, the above-quoted responsum from the Rosh explicitly rejects this logic and contends that chodosh applies to grain grown in a gentile's field.

Nevertheless, common custom accepted this the heter that grain grown in a non-Jew's field is exempt from chodosh; even many gedolei Yisroel accepted this approach. The Bach notes that many of the greatest luminaries of early Ashkenazic Jewry, including Rav Shachna and the Maharshah, were lenient regarding chodosh use in their native

Europe. He shares that as a young man he advanced his theory that chodosh does not exist in a field owned by a gentile to the greatest scholars of that generation, and that they all accepted it.

The Bach himself further contends that although the Rosh in his responsum rejected this approach, the Rosh subsequently changed his mind, and in his halachic code, which was written after his responsa (see Tur, Choshen Mishpat, end of Chapter 72, he omits mention that the prohibition of chodosh applies to gentile-grown grain.

Thus, those residing in chutz la'aretz have a right to follow the accepted practice, as indeed did many, if not most, of the gedolei Yisrael. However, others, such as the Mishnah Berurah, rule strictly about this issue.

Until fairly recently, many rabbonim felt that those who are strict about the prohibition should observe the law of chodosh discreetly. Some contend that one should do so because they feel that observing chodosh has the status of chumrah, and the underlying principle when observing any chumrah is hatznei'ah leches — they should be observed modestly. (See Michtav Me'eliyahu Volume 3, page 294.) Others feel that the practice of being lenient was based on an extenuating circumstance that is no longer valid, since yoshon is fairly available in most large Jewish communities, and that, on the contrary, we should let people be aware so that they can observe the mitzvah.

North American Hechsherim

The assumption of virtually all hechsherim is that unless mentioned otherwise, they rely on the halachic opinion of the Bach. Many decades ago, Rav Aharon Soloveichik pioneered his own personal hechsher that did not follow either the heter of the Bach or that of the Taz and the Aruch Hashulchan. He further insisted that the yeshivos that he served as Rosh Yeshivah serve exclusively food that did not rely on these heterim.

Today, there are a few other hechsherim that follow this approach, whereas the majority of North American hechsherim accept the heter of the Bach.

With this background, we can now address the first question that began our article.

"When I was young, I do not think I ever heard about a prohibition called chodosh, or that something was yoshon. These days, I am constantly hearing the term. Do we now have a new mitzvah?"

The answer is that the mitzvah is not new. When you were young, most halachic authorities either felt that one could rely on the opinion of the Bach, or felt that one should keep the topic quiet. Today, many feel that one may and should advertise the availability of yoshon products.

In addition, there is interesting agricultural background to this question. At one point in history, the flour commonly sold in the United States was from the previous year's crop, and was always yoshon. Rav Yaakov used to monitor the situation, and when the United States no longer followed this practice, he began to freeze flour so that he would have a supply during the winter and spring months when chodosh is a concern.

In the spring and early summer, there is no concern about chodosh in the United States, since all fresh grain products then available became permitted on the sixteenth of Nisan. Usually, the earliest chodosh products begin coming to market is midsummer, and some products do not appear until the fall.

Visitors from Abroad

At this point, we can begin to answer the second question: "We have decided to stay permanently in Eretz Yisrael, but we visit the States a few times a year. Do we need to be concerned about chodosh when we visit?"

As I mentioned above, someone who lives in chutz la'aretz has the halachic right not to be concerned about observing chodosh on grain that grows in chutz la'aretz. The question is whether someone who has moved to Eretz Yisrael where the prevailing custom is to be stringent, and is now visiting chutz la'aretz has the same right. This matter is disputed, and I have discussed it with many poskim, most of whom felt that one should be machmir.

In Conclusion

In explaining the reason for this mitzvah, Rav Hirsch notes that one of man's greatest enemies is success, for at that moment man easily forgets his Creator and views himself as master of his own success and his own destiny. For this reason, the Torah created several mitzvos whose goal is to remind and discipline us to always recognize Hashem's role. Among these is the mitzvah of chodosh, wherein we are forbidden from consuming the new grain until the offering of the korban omer, which thereby reminds us that this year's crop is here only because of Hashem (Horeb, Section 2 Chapter 42). Whether one follows the Bach's approach to the chodosh laws or not, one should make note every time he sees a reference to yoshon and chodosh to recognize that success is our enemy, and that humility is our savior.